

ORIGINAL

Before the
Federal Communications Commission

Washington, D.C. 20554

92-641

WIND 'N SEA FM LIMITED)	
PARTNERSHIP)	File No. BPH-901224ME
)	
WEBB BROADCASTING, INC.)	File No. BPH-901224MF
)	
ARIS MARDIROSSIAN)	File No. BPH-901224MI
)	
EQUAL TIME BROADCASTING)	
CORPORATION)	File No. BPH-901224MK
)	
J.H. COMMUNICATIONS)	File No. BPH-901226MB
)	
For a Construction Permit)	
for a New FM Station on)	
Channel 295A in Ocean City,)	
Maryland)	

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MAY 6 8 1992

To: The Honorable Joseph Stirmer
Chief Administrative Law Judge

Federal Communications Commission
Office of the Secretary

PETITION TO INTERVENE

Family Stations, Inc. ("Family"), by its attorneys and pursuant to Section 1.223 of the Commission's Rules, petitions for leave to intervene in the above-captioned proceeding for a construction permit for a new FM station on Channel 295A located in Ocean City, Maryland. As set forth below, Family requests to become a party in this proceeding in order to insure that the prevailing applicant's proposal does not cause objectionable interference to Radio Station WKDN(FM), Camden, New Jersey.

1. The applications of Wind 'N Sea FM Limited Partnership ("Partnership"), Webb Broadcasting, Inc.

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("Webb"), Aris Mardirossian ("Mardirossian"), Equal Time Broadcasting Corporation ("ETBC") and J.H. Communications ("JHC") were designated for hearing on April 13, 1992 to consider on a comparative basis which applicant should be granted the Ocean City construction permit. Hearing Designation Order, FCC 92-358, released April 13, 1992 ("HDO").^{1/}

2. In the HDO, the Chief of the Audio Services Division of the Mass Media Bureau ("Chief") noted that the proposals set forth in the applications of Partnership, Webb and JHC are short-spaced to Station WKDN(FM) and, therefore, are in violation of Section 73.207 of the Commission's Rules. HDO, supra, at ¶2. Specifically, Partnership's proposal is 8.2 kilometers short-spaced to Station WKDN, and the proposals of Webb and JHC are short-spaced by 7.6 kilometers and 12.7 kilometers respectively. Id.

3. The Chief determined that the Partnership, Webb and JHC applications could not be processed under Section 73.213(c)(1) of the Commission's Rules. HDO, supra, at ¶6. The Chief also directed Partnership, Webb and JHC to submit curative amendments so that their proposals comply with Section 73.207 of the Commission's Rules. Id.

^{1/} The HDO was published in the Federal Register on April 16, 1992, 57 Fed. Reg. 13356. According to Section 1.223 of the Commission's Rules, the deadline for filing a petition for intervention in this proceeding is May 18, 1992. Family's petition for intervention, therefore, is timely filed.

4. The Chief further noted that the Ocean City FM allotment itself is short-spaced to Station WKDN by 3.1 kilometers. HDO, supra, at ¶4. In light of the short-spacing of the FM allotment underlying this proceeding and the proposals of Partnership, Webb and JHC to Station WKDN, Family seeks to become a party to this proceeding to assure that the prevailing applicant's proposal does not cause objectionable interference to Station WKDN's operation. Consequently, Family only desires to intervene for the limited purpose of protecting Station WKDN from interference and ensuring that the prevailing applicant otherwise complies with the Commission's technical rules with respect to Station WKDN.

5. Pursuant to the requirements of Section 1.223 of the Commission's Rules, attached hereto as Attachment A, is the Affidavit of P. Michael Zeimann, a Regional Manager of Family.^{2/} Mr. Zeimann's affidavit sets forth Family's particular interest in this proceeding and attests to the facts set forth in this petition.

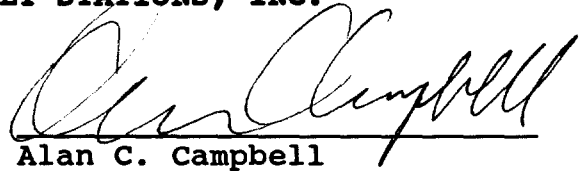
^{2/} Section 1.223 of the Commission's Rules also requires an affidavit of a radio engineer demonstrating the extent of the potential interference. However, the HDO indicated that the Commission has already conducted an "engineering review" of the applications. HDO, supra, at ¶1. Consequently, since it is undisputed that the identified applications and the Ocean City FM allotment itself are short-spaced to Station WKDN, we respectfully request that the engineering affidavit requirement be considered unnecessary and, therefore, waived.

WHEREFORE, Family requests that the Presiding Judge grant this Petition to Intervene and make Family a party to this proceeding.

Respectfully submitted,

FAMILY STATIONS, INC.

By:



Alan C. Campbell
D'wana R. Speight

Its Attorneys

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May 8, 1992

DECLARATION

1. I, P. Michael Zeimann, serve as a Regional Manager of Family Stations, Inc. ("Family").

2. Family is the licensee of Radio Station WKDN(FM), Camden, New Jersey. Radio Station WKDN(FM) operates on Channel 295.

3. On April 13, 1992, the Chief of the Audio Services Division of the Mass Media Bureau (the "Chief") designated for hearing the applications of Wind 'N Sea FM Limited Partnership ("Partnership"), Webb Broadcasting, Inc. ("Webb"), Aris Mardirossian ("Mardirossian"), Equal Time Broadcasting Corporation ("ETBC") and J.H. Communications ("JHC") for a construction permit for a new FM station on Channel 295A located in Ocean City, Maryland. Hearing Designation Order, FCC 92-358, released April 13, 1992 ("HDO").

4. In particular, the Chief indicated that the applications of Partnership, Webb and JHC contained proposals which, with respect to Station WKDN, violated the spacing requirements provided in Section 73.207 of the Commission's Rules. HDO, supra, at ¶2. Accordingly, the Chief instructed Partnership, Webb and JHC to amend their applications so that their proposals are no longer short-spaced to Station WKDN. HDO, supra, at ¶6.


5. The Chief also indicated that the FM allotment to Ocean City is short-spaced to Station WKDN. HDO, supra, at

¶4. Because the Ocean City FM allotment is short-spaced to Station WKDN and some of the applicants have submitted proposals which are short-spaced to the station, Family desires to be a party to this proceeding in order to protect Station WKDN from objectionable interference.

6. Accordingly, Family's interest in this proceeding is limited to the avoidance of the prevailing applicant causing interference to Station WKDN's operation.

7. I have read the foregoing "Petition to Intervene," and it is true and accurate to the best of my knowledge, information and belief.

8. I declare under penalty of perjury that the foregoing is true and correct. Executed on May 7, 1992.


P. Michael Zeimann

CERTIFICATE OF SERVICE

I, Lisa Saunders, hereby certify that on this 8th day of May, 1992, copies of the foregoing "Petition to Intervene" have been served either by hand delivery or first-class United States mail, postage prepaid, upon the following:

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